

REMARKS

We have amended the claims to address the Examiner's rejections under 35 U.S.C. §112 and to more particularly point out and distinctly claim the invention. We have also added independent claims 39 and 40 directed to methods for monitoring a vehicle's fuel efficiency and fuel consumption. After these amendments, claims 1 and 4-40 are pending in this application.

We acknowledge the Examiner's indication that claims 15-17 and 22-24 would be allowable if rewritten in independent form to include all the limitations of base claim 1 and any intervening claims.

We also acknowledge the Examiner's indication that a corrected Declaration is required. We will be providing a new signed Declaration in the near future.

The Examiner rejected claims 1-14, 18-21, and 25-38 under 35 U.S.C. §103(a) as being unpatentable over Lang et al. (U.S. Patent 6,295,492) in view of Joyce (U.S. Patent 5,537,336).

We note, as the Examiner appears to appreciate, that Lang is silent about any method for characterizing a vehicle's fuel efficiency (as recited in amended claims 1 and 37) and about fuel consumption (as recited in amended claims 36 and 38). Lang is equally silent about using fuel efficiency to characterize a vehicle's tire pressure (as recited in amended claim 34) and about the status of the vehicle's fuel-injection system (as recited in amended claim 35). Lang simply teaches a system that retrieves diagnostic data from a vehicle and wirelessly transmits these data to a host computer system.

Lang also fails to describe the specific analysis method recited in amended claim 1, i.e. calculating fuel efficiency after determining both an amount of fuel consumed and a distance traveled using data collected from the vehicle. Indeed, as pointed out by the Examiner, Lang describes a method for collecting data to characterizing a vehicle's operating condition. But the reference gives no hint to someone of ordinary skill in this art of how to further analyze these data to calculate any specific vehicle property, let alone fuel efficiency or fuel consumption.

The Examiner relies on Joyce to supply the missing teaching relating to a method for characterizing a vehicle's fuel efficiency. Specifically, the Examiner argues:

Joyce discloses an onsite oil analyzer wherein a computer performs analysis and diagnosis of the results from the spectrometers based on sets of known and standard information. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Lang et al. with that of

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Joyce by analyzing the fuel efficiency or tire pressure in order to provide an analysis report of the operating condition of the vehicle.

But Joyce describes an infrared optical spectrometer that measures concentrations of metal additives and organic contents in an oil sample. The reference does not say a word about characterizing fuel efficiency, fuel consumption, or tire pressure, let alone any of the claimed analysis methods used to determine these properties. In fact, Joyce fails to describe vehicle fuel (e.g. gasoline), and instead focuses on vehicle lubricant (e.g. oil). Joyce, in summary, fails to cure any of Lang's deficiencies.

With regard to the newly added claims, we note that none of the Examiner's prior art teaches methods for characterizing fuel-related properties by analyzing data describing, respectively, fuel level (claim 39) or fuel efficiency (claim 40).

For the reasons stated above, we believe that the claims are allowable and therefore ask the Examiner to allow them to issue.

Attached is a marked-up version of the changes being made by the current amendment.

Please apply any charges not covered, or any credits to Deposit Account No. 08-0219.

Respectfully submitted,

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